

REMARKS

This Amendment is being filed in response to the Office Action mailed January 14, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 remain in this application, where claims 1-2, 6 and 13 are independent.

By means of the present amendment, claims 3-5 and 7-12 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--, and removing multiple dependencies. Such amendments to claims 3-5 and 7-12 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to claim 1 for a certain informality. In response, claims 1-2, 6 and 13 have been amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of the objection to claim 1 is respectfully requested.

In the Office Action, the Examiner indicated that claim 10 would be allowable if rewritten in independent form. In addition, claims 1-4, 6 and 12-13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0101835 (Geraloulis) in view of U.S. Patent No. 5,933,763 (Wang) and U.S. Patent No. 7,203,182 (Hwang). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Geraloulis in view of Hwang and U.S. Patent Application Publication No. 2003/0157953 (Das). Claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Geraloulis in view of Hwang and U.S. Patent No. 6,035,209 (Tiedmemann). Further, claims 8-9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Geraloulis in view of Hwang and U.S. Patent No. 7,185,256 (Miki). Claim 11 is also rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Geraloulis in view of Hwang and Wang.

Applicants gratefully acknowledge the indication that claim 10 contains allowable subject matter. However, Applicants have not rewritten claim 10 in independent form, since it is believed that independent claims 1-2, 6 and 13, as well as claims 3-5 and 7-12, are allowable over Geraloulis, Wang, Hwang, Das, Tiedmemann and

Miki for at least the following reasons.

As correctly noted on page 3 of the Office Action, Geraloulis does not teach or suggest "wherein the secondary station comprises power control means for temporarily increasing the transmission power of at least the part of the second control channel including pilot information for a predetermined period during which the status signal is transmitted," as recited in independent claim 1, and similarly recited in independent claims 2, 6 and 13. Hwang is cited in an attempt to remedy the deficiencies in Geraloulis.

Hwang is directed to a method of link adaptation of blind type using acknowledgements in ARQ system. As recited in the Abstract and column 6, lines 2-9, the Hwang method includes:

transmitting data by an initial coding rate and/or an initial transmission power value to the receiving party; receiving a retransmission (NAK) request signal from the receiving party; and performing the data retransmission by increasing the transmission power and/or the number of multi-codes according to the retransmission (NAK) request.  
(Abstract, emphasis added)

Thus, any increase in power in Hwang is related to increasing the power of the data retransmission. Hwang is not concerned with increasing the power of any control signals, such as the NAK signal. In fact, Hwang assumes that control signals, such as the

NAK signal, are received.

It is respectfully submitted that the Geraloulis, Hwang, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 2, 6 and 13, which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the secondary station comprises power control means for temporarily increasing the transmission power of at least the part of the second control channel including pilot information for a predetermined period during which the status signal is transmitted.

Hwang does not even disclose or suggest increasing power of a control channel, let alone doing so for a predetermined period during which the status signal is transmitted. Wang, Das, Tiedmemann and Miki are cited to allegedly show other features and do not remedy the deficiencies in Geraloulis and Hwang.

Accordingly, it is respectfully requested that independent claims 1 and 11 be allowed. In addition, it is respectfully submitted that claim 3-5 and 7-12 should also be allowed at least based on its dependence from independent claims 2 and 6.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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